

# **RULES OF PROCEDURE OF THE CITY COUNCIL OF THE CITY OF YONKERS 2010-2011**

## ***SECTION I***

### ***MEETINGS***

#### **1.1 REGULAR MEETINGS**

A. Regular meetings of the City Council shall generally be held on the second and fourth Tuesday of each month at 8:00 p.m., except during the months of July, August and December. No Regular meetings of the City Council shall be held in July or in August.<sup>1</sup> A Regular meeting of the City Council shall be held at 8:00 p.m., in the month of December, on the second Tuesday of the month. Regular meetings may be rescheduled upon the concurrence of a majority of the City Council. Should a regularly scheduled Tuesday City Council Meeting fall on a Holiday that is observed by the City, the City Council meeting shall then be held on Wednesday following.

B. The City Clerk shall prepare an Agenda, which shall be available to the City Council before 3:00 p.m. on the Thursday preceding the Regular meeting. The Agenda shall include all Local Laws, Ordinances, Resolutions, Committee Reports, or other matters properly received by the City Clerk for inclusion therein. The Agenda of all Regular meetings of the City Council, including all backup information and materials, shall be made available to the general public. Said material shall be available for viewing on the City web page or by pick-up at the Office of the City Clerk by 10:00 a.m. on the Friday preceding a Regular meeting of the City Council. The Agenda, including all backup information and material, shall be provided to members of the general public at no charge.

C. Any person who wishes to obtain advance notification of all Council or Committee meetings shall submit a written request for such notification to the Council at the office of the City Clerk, City Hall. Such request shall include the name, address, telephone number and e-mail address of the person making the request. Notification shall be made by e-mailing a copy of the agenda and a notice of the time, place and purpose of the meeting to the person requesting notification. The responsibility for keeping the required information current shall be that of the person making the request.

D. The City Clerk's Office shall notify via email all Council Members and persons already registered to obtain advance notification of all Council Meetings and Public Hearings requested by the Mayor, Administration, and the City Council. Additionally, a copy of the notice and Agenda of all Council Meetings, Council Committee Meetings, and Public Hearings shall be made available at each branch of the City of Yonkers Public Library, and on the City's web site at the same time that such meetings are noticed. All Special and Committee meeting Agendas

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<sup>1</sup> A list of the regular Scheduled Meetings are attached in the Appendix A.

and notices must be given to the Clerk (email ready) no later than 4:30pm on any given business day.

## **1.2 SPECIAL MEETINGS**

A. Special meetings of the City Council or the Rules Committee shall be held at the request of four members of the City Council with not less than twenty-four hours prior written notice to each member of the City Council. The Call for a special meeting shall state the matters that are to be considered. The Call of a Special meeting shall be considered delivered if it is hand delivered to the address(es) or transmitted electronically to the e-mail address(es) filed by each Council Member with the City Clerk for the purpose of receiving notices and posted on the bulletin board opposite the elevator on the fourth floor of City Hall outside the City Council offices. If no address is filed with the City Clerk, the home address of the Council Member shall be used.

B. No Local Law, Ordinance, Resolution or other matter requiring a vote of the City Council shall be introduced, considered, or passed upon at any special meeting unless it has been filed with the City Clerk at least twenty-four hours before the time set for the Special meeting, and until a copy is delivered to each Council Member with the Call to the Special meeting.

## **1.3 COMMITTEE OF THE WHOLE**

A. There shall be a Committee of the Whole, composed of all members of the City Council. Meetings of the Committee of the Whole shall be held at 7:30 p.m. on regular Council meeting days. No official action will be taken on matters before the Committee of the Whole. Matters to be discussed must appear on the Agenda for that evening; discussion of any other matters will not be permitted unless at the consent of a majority of the City Council for two (2) minutes. Any person wishing to speak must begin by first identifying himself / herself by name, street address and municipality and, then, identify the specific agenda item number(s) that will be discussed. Each person has one opportunity to address the City Council; there will be a strict three (3) minute time limit for each speaker.

B. Requests to address the Council at the Committee of the Whole must be made to with the City Clerk no later than 3:00 p.m. on the day the Committee of the Whole meets and must include the name and address of the speaker, the organization, firm, corporation, or person in whose behalf he or she is appearing and the Agenda item about which he or she wishes to speak.

## **1.4 APPEARANCES BY THE EXECUTIVE BRANCH**

If requested by the Council or any Council member, the Mayor may direct any representative of the Executive Branch to be in attendance at a regular or Special meeting of the City Council or at any Committee meeting. In the event of the failure of such representative to attend any such meeting the City Council is hereby authorized to issue a subpoena in accordance with Section C4-12 of the Charter of the City of Yonkers, as signed by the City Council President. In the event the City Council President first refuses to sign said subpoena, or does not sign said subpoena within three (3) days of request, then the Majority Leader is authorized to sign said

subpoena. In the event the Majority Leader is unable or refuses to sign said subpoena, the Minority Leader is then authorized to sign said subpoena within three (3) additional days.

## ***SECTION II***

### ***CONDUCT OF MEETINGS***

#### **2.1 ROLL CALL**

The City Council President, or in the President's absence, the Majority Leader, or in the absence of the Majority Leader, the Minority Leader, or in the absence of the Minority Leader the Council Member in ascending district order shall take the Chair at the hour appointed for the Council to meet and shall immediately call the members to order.<sup>2</sup> The roll shall then be called by the Clerk, who shall enter in the minutes of the meeting the names of the members present. In the absence of a quorum at the time appointed for a meeting, the members present, may, by a majority vote, take a recess or recesses, and direct the Clerk to procure the attendance of absent members.

#### **2.2 APPEALS FROM DECISION OF THE CHAIR**

The Chair shall preserve decorum and decide all questions of order, procedure and implementation of rules, subject to appeal to the Council. An appeal from a decision of the Chair shall be carried by four votes.

#### **2.3 PRESIDING OFFICER LEAVING CHAIR**

When the Chair shall be vacant, it shall be filled by the following members in the following order: Majority Leader, Minority Leader, or Council Member in ascending district order. The same order shall apply for the purpose of signing legislation in the absence of the Council President.

#### **2.4 ADDRESSING THE CHAIR**

Every member speaking to a question or making a motion shall gain attention by raising his or her hand or by electronic notice, and the Chair shall thereupon pronounce the name of the member entitled to the floor. Members addressing the Council shall confine themselves to the question under debate.

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<sup>2</sup> The City Council in accordance with Section C4-2 of the Charter hereby designates Council Member Patricia D. McDow as Majority Leader and Council Member John M. Murtagh as Minority Leader.

## **2.5 OF ORDER AND DECORUM**

A. No member shall debate, give a notice, make a motion or report, or present a petition or other paper until he or she has addressed the President and has been recognized by the President.

B. While a Council Member is speaking other Council Members shall not entertain any private discourse.

C. While the President is putting a question, or a roll call is being had, no member shall speak or leave his or her place.

D. When a motion to adjourn is carried, the Council Members and officers shall keep their seats and places until the President declares that the City Council meeting is adjourned.

## **2.6 DEBATE LIMITATIONS**

A. No member shall speak for more than five (5) minutes on any issue each time the member addresses the City Council. No member shall be allowed to speak more than once upon any one issue until every other member choosing to speak thereon has spoken. No vote shall be taken unless each member has had an opportunity to speak at least once.

B. If any Council Member in speaking transgresses the Rules of the City Council, the President or any Council Member may call the Council Member to order in which case the Council Member so called to order shall cease speaking, and shall not commence speaking unless to explain or proceed in order.

## **2.7 QUORUM**

A quorum shall consist of four (4) members of the City Council or a majority of the members of a Committee in the case of Committee meetings.

## **2.8 TIMELINESS OF MEETINGS**

Any Regular or Special meeting of the Council or any committee of the Council that does not commence within fifteen (15) minutes of the time for which it was noticed shall be deemed to have been adjourned and shall be subject to being rescheduled and re-noticed in accordance with these Rules.

# ***SECTION III***

## ***ORDER OF BUSINESS***

## **3.1 GENERAL PROCEDURE**

The City Council President shall have general control of the City Council Chambers and the Committee of the Whole. In case of any disturbance, trespass or disorderly conduct in the City

Council Chambers, he or she shall have the power to order the expulsion of any person or persons creating such disturbance or trespassing therein.

After the members are called to order, the Pledge of Allegiance shall be recited by the City Council President or by person specially designated by the City Council. Then, a moment of silence may be extended by the City Council President, or by a member of the Clergy of the City of Yonkers, or by any other person so designated by the City Council. The minutes of the prior meetings, shall then be considered for approval by motion of the Majority Leader.

During any Committee or Council meeting, both members of the Council and members of the public in attendance shall place on vibrate or turn off all communication devices until the end of the meeting.

### **3.2 ORDER OF BUSINESS**

After the approval of the minutes, the following shall be the order of business, unless by a majority vote, the City Council agrees to consider a specific matter out of its regular order. All questions relating to the priority of business, that is, the priority of one question or subject matter of another under the same order of business shall be decided without debate.

#### **COMMITTEE OF THE WHOLE:**

1. Reception of Petitions<sup>3</sup>
2. Reports and Communications of City Officers
3. Communications Generally
4. Miscellaneous
5. Requests of Speakers on Agenda Matters.

#### **CITY COUNCIL MEETING:**

1. Presentation of Proclamations
2. Public Hearings
3. Unfinished Business:
  - A. Local Laws
  - B. General Ordinances
  - C. Special Ordinances
  - D. Resolutions
4. New Business<sup>4</sup>
  - A. Local Laws
  - B. General Ordinances
  - C. Special Ordinances
  - D. Resolutions

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<sup>4</sup> New Business shall appear and be introduced as follows: 1. City Council President, 2. Majority Leader, 3. Minority Leader, 4. Chairpersons of Standing and Special Committees, 5. Council Members in ascending district order.

### **3.3 AGENDA**

A. No Local Law, Ordinance, Resolution, or other matter requiring a vote of the City Council shall be introduced, considered, or passed upon at any regular meeting of the City Council unless it has been filed in writing with the City Clerk by the Rules Committee which Committee shall conduct itself according to the procedures governing said committee as set forth below.

B. Notwithstanding the forgoing, at a Regular or Special meeting, the City Council may consider and vote upon any Local Law, Ordinance, Resolution, or other matter not included in the Agenda for said meeting, provided that such Addenda item is first submitted to each member of the City Council prior to the Council meeting, and further provided that each member of the City Council shall consent to the inclusion of such Addenda item. Any such Addenda items may include (a) a matter that is in a Standing or Special Committee (b) any item that is vetoed by the Mayor, or (c) any matter that is requested by the Mayor and is accompanied with an appropriate written justification message signed by the Mayor stating the urgency of the matter and the reason it was previously unanticipated.

C. Legislation shall not be allowed before the City Council unless each member has first been given a copy of it.

D. All Local Laws, Ordinances and Resolutions Laws appearing on the Agenda of this City Council shall be numbered separately by the City Clerk; and, upon the call of the calendar, no Local Law, Ordinance or Resolution so numbered needs to be read by the Clerk, except upon the request of a Council Member.

E. Notwithstanding any other provision of these Rules to the contrary, the City Council may consider and vote upon any resolution constituting an honorarium not included in the Agenda for said meeting, provided that such honorarium is first submitted to each member of the City Council prior to the roll call of such meeting, further provided that each member of the City Council consents to the inclusion of the honorarium on the meeting's Agenda and further provided that the honorarium has been drafted in final form in a format acceptable to the City Clerk and bears the sponsorship of all Council Members by name. (Amendment added by City Council Resolution No. 213- 2002).

### **3.4 ROLL CALL VOTES**

Any member may demand a roll call vote on any question. Where a question under consideration covers two or more points which are separable, the questions shall be separated upon the demand of any Council Member.

### **3.5 RECONSIDERATION**

A motion to reconsider is in order only when offered by a member of the City Council who voted with the majority in the adoption or defeat of the measure or question; said motion is only proper if offered at the same meeting at which the vote to be reconsidered was taken or at the next

following regular or special meeting, whichever shall come first. Any member of the City Council may second such a motion. Once put and lost, a motion to reconsider shall not be renewed, nor shall any vote be reconsidered a second time.

### **3.6 MOTIONS**

When a question is before the City Council, no motion shall be in order, except to adjourn, to lay on the table the previous question, to postpone indefinitely or to a day certain, to commit or to amend, and these shall have precedence in the order in which they are here stated. Until decided, a motion to postpone shall preclude amendment of the main question, and a motion to commit, to lay on the table, or for the previous question, shall preclude amendment and debate. To lay on the table the previous question shall not be in order until each member has had an opportunity to speak once on the main question. The motion to adjourn shall be decided without debate and shall always be in order, except when the question of adjournment has just previously been put and decided in the negative.

### **3.7 ABSENCE FROM THE FLOOR**

No member shall be absent from the meeting, before adjournment, without leave from the Chair, for longer than five (5) minutes. If a member requests permission to absent himself/herself, such permission shall not be withheld by the Chair.

### **3.8 APPLICABILITY OF NEW YORK STATE PROCEDURES**

In the conduct of all examinations, inquiries, investigations or proceedings held by or before the City Council or any designated committee thereof, the law governing the conduct of trials in the Supreme Court of the State of New York, including but not limited to the New York Civil Practice Laws and Rules, shall govern.

### **3.9 APPLICABILITY OF ROBERTS RULES OF ORDER**

The general rules of parliamentary procedure as set forth in Roberts Rules of Order shall govern the deliberations of the City Council, except as otherwise provided by these Rules.

### **3.10 ORDINANCES**

A. Ordinances shall be of two separate and distinct classes:

- A. Special Ordinances, relating to special matters
- B. General Ordinances, relating to the governing of the City

B. The City Clerk shall keep each class of proposed Ordinances in distinct files and identified as set forth in Rule XVII - 1 and shall give each Ordinance of each class a distinct number after its passage.

### **3.11 MATTERS REQUIRING A PUBLIC HEARING**

It is the intent of the City Council that action be taken on a matter which is the subject of a Public Hearing at the same meeting at which the hearing is held or within the next three regular meetings, except for Public Hearings mandated as part of State law which prescribes its own timetable. If action is not taken within the time intended herein, then the City Council may request the City Clerk to re-advertise the Public Hearing giving public notice that action will be taken at the next regular meeting of the City Council.

### **3.12 MINUTES**

The annotated agenda will constitute the minutes of the meeting. The minutes shall be posted on the City website within 72 hours and remain on the website in perpetuity.

### **3.13 RECORDING OF MEETINGS**

The City Clerk will use a tape recorder, or the equivalent recording device to record the full proceedings of the regular or special City Council meetings and Standing Committees meetings. Said recordings, videos and DVD's shall be retained by the City Clerk for a period of five (5) years as an unofficial supplement to the minutes kept pursuant to these Rules. For meetings and hearings not held at City Hall, the City Clerk shall coordinate the broadcasting of the proceedings whenever possible and retain a copy of said broadcast for a period of five (5) years as part of an unofficial supplement to the minutes kept pursuant to these Rules.

### **3.14 APPLICABILITY OF NEW YORK STATE OPEN MEETINGS LAW**

All Regular and Special meetings of the City Council, all meetings of the Committee of the Whole and all meetings of the City Council's Standing and Special Committees shall be open to the public and press as per the New York State Open Meetings Law contained in Section 103 of the New York State Public Officers Law. However, upon a vote of the majority of the City Council, an "executive session" may be held as per the rules for the conduct of executive sessions of the Open Meetings Law contained in Section 105 of the Public Officers Law which currently reads:

*1. Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, a public body may conduct an executive session for the below enumerated purposes only, provided, however, that no action by formal vote shall be taken to appropriate public moneys:*

- a. matters which will imperil the public safety if disclosed;*
- b. any matter which may disclose the identity of a law enforcement agent or informer;*
- c. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;*
- d. discussions regarding proposed, pending or current litigation;*



*e. collective negotiations pursuant to article fourteen of the civil service law;*

*f. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;*

*g. the preparation, grading or administration of examinations; and*

*h. the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.*

2. Attendance at an executive session shall be permitted to any member of the public body and any other persons authorized by the public body.

### **3.15 CASTING AND RECORDING OF VOTES**

All votes shall be “Aye” or “Nay” and shall be duly recorded in the minutes. The roll call of the members shall be as follows:

The City Council President followed by Council Members in descending district order (6-1). Once the question has been put, and the vote is being taken, the members of the City Council shall confine themselves to voting and shall not resume discussion or make further comments on the question.

### **3.16 ACCESS TO THE WELL OF THE CHAMBER**

A. As a matter of right, only the City Council Staff, representatives of the Executive Branch and authorized representatives of the press shall have the privilege of sitting within the rail during all meetings of the City Council, or any of its committees. The Council shall designate a location for the press and authorized guests.

C. The City Council may extend the privilege to any other city officer or person at its discretion.

### **3.17 FILING WITH THE CLERK**

A. All Local Laws, Ordinances, Resolutions or other matters requiring a vote of the City Council and which have been passed upon at any regular or special meeting in the affirmative, must be filed by the City Clerk with the Mayor by the close of business the day following the Regular or Special Meeting of the City Council.

B. All Local Laws, Ordinances, Resolutions or other matters which have been signed or vetoed by the Mayor pursuant to Local Law No. 20-1961, Section C4-6 must be filed with the City Clerk.

C. All items filed by the Mayor with the City Clerk must be forwarded in writing to each member of the City Council within twenty-four (24) hours of the initial filing.

D. Notwithstanding the provisions of Rule IV, all items vetoed by the Mayor and filed with the City Council pursuant to Part One through Three (1-3) of this rule shall be immediately placed upon the agenda of the next scheduled meeting of the City Council.

## ***SECTION IV***

### ***COMMITTEES OF THE CITY COUNCIL***

#### **4.1 RULES COMMITTEE**

A. The Rules Committee shall consist of the City Council President as Chairperson (Local Law No. 20-1961, Section C4-7), and all Council Members. Rules Committee shall limit discussion to placing items on the City Council Agenda or referral to a committee for further research and discussion. The scope of a particular Rules Committee agenda may be expanded by a majority vote.

B. The Rules Committee is hereby designated as the only Committee to review mayoral appointments. Said Committee may conduct a confirmation hearing of any said appointments and said Committee may issue subpoenas for witnesses and/or the production of documents in connection with any such confirmation hearing, as signed by the City Council President or the Majority Leader or the Minority Leader as specified herein. The Rules Committee shall attempt to preserve the confidentiality of the nominee and endeavor to complete its process in a reasonable and timely manner. At no time shall the Rules Committee refer consideration of Mayoral appointments to any other standing or special committee of the Council.

C. All proposed Local Laws, Ordinances, Resolutions, or other matters must be submitted to the Rules Committee, the Majority Leader, the Minority Leader and the City Clerk by 12:00 noon on the Monday prior to the next scheduled Rules Committee meeting. If said Monday is a holiday, then the deadline is the preceding Friday by 12:00 noon. The Rules Committee shall act promptly upon any such Local Law, Ordinance, Resolution, Committee Report, or other matter submitted to it for the purpose of formulating an Agenda for the next scheduled City Council meeting or for the purpose of referring matters to appropriate Standing or Special committees for consideration.

D. The Office of the City Clerk shall be responsible for tracking all legislation introduced and referred to committee. The City Clerk's office shall inform the Council of all time limits, referrals and the need for a Public Hearing on all pending legislation.

E. The Rules Committee shall generally meet regularly at 6:30 p.m. on the first and third Tuesday of each month unless otherwise specified by a majority of the Committee. Should a

regularly scheduled, Tuesday Rules Committee meeting fall on a Holiday that is observed by the City, the Rules Committee meeting shall then be held on Wednesday following. The City Clerk or a person designated by the City Clerk shall be present at the Rules Committee meeting to take the minutes or record of the meeting.

F. When filed with the City Clerk by the Rules Committee, all Local Laws, Ordinances Resolutions and Committee Reports shall have the names of the Council Members presenting same, endorsed thereon: and no Local Law, Ordinance or Resolution shall be placed on the Agenda by the City Clerk unless it contains the names of the sponsors. All items sponsored by the Rules Committee shall bear sponsorship of all committee members voting in the affirmative, unless otherwise requested by a Councilmember.

## **4.2 STANDING AND SPECIAL COMMITTEES**

The Council may designate such other standing or special committees as it deems necessary for the orderly conduct of its business. All Standing and Special Committees, Chairpersons, and thereof shall be appointed by a majority vote of the entire City Council for a two-year period or less. The following Standing Committees and their respective Chairpersons, and the jurisdictions of said committees are hereby established:

### **4.2.1 Rules Committee:**

Chuck Lesnick, Chair

### **4.2.2 Budget and Finance Committee:**

Chuck Lesnick, Chair

### **4.2.3 Community Development Committee:**

Dennis Shepherd, Chair

### **4.2.4 Education Committee:**

Wilson Terrero, Chair

### **4.2.5 Environmental, Sustainable Growth and Green Policy Committee:**

John Murtagh, Chair

### **4.2.6 Legislation Codes, and Inter-governmental Relations Committee:**

John Larkin, Chair

### **4.2.7 Municipal Operations & Public Safety Committee:**

John Murtagh, Chair

### **4.2.8 Real Estate Committee:**

Patricia D. McDow, Chair

#### **4.3 MEMBERSHIP OF COMMITTEES**

The membership and number of voting members of each committees shall be at the discretion of that committees' Chairperson. The City Council President shall be a voting member of all standing committees. The names of all Committee members shall be filed by the Chairperson of the Committee in the Office of the City Clerk and the Office of the City Council within seven (7) days of appointment. The number of Committee members shall in all cases be an odd number i.e. three, five or seven.

#### **4.4 COMMITTEE MEETINGS AND AGENDAS**

Committee meetings and the agenda for such meetings are at the sole discretion of the committee chairperson, with the exception of Rules Committee, which shall be governed in accordance with the procedures for that committee set forth herein. Each Committee meeting will begin with a greeting by the Chair and a brief summary of the rules of the Council related to courtesy, decorum and speaking before Council. At the commencement of any committee meeting, members of the public may be granted the privilege of the floor as follows: persons who wish to speak on any item on a Committee agenda may be granted the privilege of the floor for three (3) minutes, unless in the discretion of the chair of the Committee, circumstances dictate a longer or shorter period for all speakers on a particular item. The length of the speaking periods for public comment must be uniform for a particular item. Nothing in this rule shall preclude a Committee by a majority vote thereof from permitting members of the public to participate during the business portion of the meeting. Thereafter, the order of discussion at any Committee meeting shall be the Committee members followed by the Council members in attendance. Any individual invited to attend and participate in a committee meeting or any individual having business before a committee shall, at the discretion of a majority of the committee, address the Committee either before or after members of the Council.

The respective Chairperson of each committee shall be required to advise the office of the City Clerk of all scheduled meetings, indicating the date, the time and purpose, and the location of said meetings as in the manner provided in these Rules.

#### **4.5 EXPIRATION OF MATTERS IN COMMITTEE**

A. In the event that a matter, which has been referred to Committee, has not been discussed or addressed within ninety (90) days of said referral, it shall be deemed to be withdrawn if the proper notice for withdrawal has been completed and it shall have to appear again on the Rules Committee Agenda as new legislation before it may be acted upon. The City Council President shall, on his initiative, have the authority to remove any piece of legislation from any Committee and transfer said legislation to the Rules Committee. Notification that a piece of legislation shall be deemed to be withdrawn due to committee inaction must be given by the City Clerk to the City Council President and to each originating or sponsoring Councilmember and the Administration, one (1) week before its official lapse. Withdrawal is not complete unless the City Clerk's notice is received by the City Council President and the sponsor(s) of the legislation, or the Administration and seven (7) subsequent days have expired. Items referred to Committee and not acted upon shall be deemed to be withdrawn after twelve (12) months.

#### **4.6 REFERRAL TO RULES COMMITTEE**

Items voted out of any standing or special committee shall be returned to the Rules Committee together with the written report for placement on the Agenda in accordance with the rules governing the actions of the Rules Committee.

### ***SECTION V***

#### ***DECLARING OR DISCONTINUING PUBLIC STREETS***

#### **5.1 RESOLUTIONS BY COUNCILMEMBERS**

A. A Council Member may introduce a resolution to make public or discontinue a street or otherwise change the Official City Map of Yonkers. It shall be a rule of procedure of this City Council, pursuant to General City Law Section 29, not to approve or disapprove of any legislation to change the Official City Map unless and until a report has been received from the Planning Board.

B. The City Clerk shall initiate the review process by forwarding to the Planning Board a copy of the City Councils resolution. The Planning Board shall solicit the advice of any affected city agencies and shall particularly obtain from the Office of the City Engineer the following information:

1. How long the street has been in use;
2. When it was added to the Official City Map;
3. When it was first worked by the City;
4. What utilities are installed and when they were installed;
5. The status of repair of the roadbed and utilities, if known;
6. The approximate cost to the City to be assumed by making the street public or discontinued;
7. The number of houses on the street to be affected thereby;
8. Other pertinent information;

The Planning Board shall also specifically seek the advice of the Corporation Counsel's office regarding any legal issues involved in amending the Official City map.

The Planning Board shall return its report to the City Clerk who shall forward the communication to the City Council.

## **5.2 PETITIONS BY THE PUBLIC**

When a petition is filed by any private interest requesting the City Council to amend the Official City Map the petition shall be filed in the same manner as a petition for a zone change. The petitioner shall file twenty-five (25) copies of the petition with the City Clerk. The petitioner shall pay a fee of \$2,000 that shall cover both the City Council and the Planning Board fees. The City Clerk shall forward 12 copies of the petition to the Planning Board for its use in the review of the proposed amendment to the Official City Map.

## ***SECTION VI***

### ***PROCEDURE FOR ZONE CHANGES***

The following rules and forms of procedure shall hereafter govern proceedings before this City Council in the case of any petition for a change on zone district classification:

#### **6.1 COPIES OF PETITION**

Pursuant to Section 43-168(A) of the Yonkers Zoning Ordinance, twenty (20) copies of the petition for an amendment to a regulation or zoning districts shall be filed with the City Clerk, by the owner of property seeking change of zone:

#### **6.2 FEES**

Pursuant to Section 43-168(B) of the Yonkers Zoning Ordinance, all petitions for a change of zone shall be accompanied by certified check, payable to the City of Yonkers in the sum of \$2,000 plus \$150 per acre to cover the cost of the expenses incidental thereto. The applicant shall also bear the cost of the advertising of a Public Hearing or hearings of said petition.

#### **6.3 CONTENTS OF PETITION**

***Pursuant to Section 43-168(C) of the Yonkers Zoning Ordinance, the petition shall set forth:***

1. Name and address of petitioner.
2. Ownership of property on which zone change is sought and an allegation that petitioner is the owner of 50 percent or more of the frontage in the district or part thereof in which the change of zone is sought.
3. Identity of property by Tax Map Lot and Block Numbers, Street Address; also by general description of the land (by metes and bounds, if necessary), its approximate dimensions, area and location on the street, with reference to readily ascertainable distances from known monuments, street corners, and/or by reference to filed maps or subdivision plots, etc.

4. Designation of the zone district classification or classifications in which the subject property is presently located, and the zone district classification to which petitioner seeks the requested change.

5. The actual use and/or occupancy, if any, of the property at the time of filing the petition. The intended use or purpose for which the change of zone is sought.

6. Reference to the area maps annexed to the petition showing the subject property, all lands within 200 feet of the area of land affected by the proposed change and all lands within 200 feet from the street frontage of land directly opposite the subject property, by lot and block numbers as shown on the Official Tax Map of the City of Yonkers and the Zone District or Districts of said lands as they appear on the Zoning Maps of the City of Yonkers, such area maps to be accurate copies of the Official Tax Map of the City as filed in the Department of Assessment, petitioner to file an additional 13 copies of said area map with the City Clerk to be furnished to the Council.

7. Reference to Site Plan annexed to the petition, the site plan of the proposed zone change showing among other things:

a. The intended location and general size and description of the building or buildings including the ground floor area (lot coverage), height of building and number of stories.

b. The number of apartments to be contained therein, if an apartment project.

c. The planned grade.

d. The location of all off-street motor vehicle parking facilities.

e. Set backs.

f. Means of ingress and egress to parking areas.

g. The location of loading and unloading facilities of a non-residential building.

h. The petitioner will warrant, represent, and covenant that he will build in accordance with the plans and specification submitted and will comply with the provisions of the petition, the petitioner to file an additional 13 copies of said Site Plan with the City Clerk.

8. Prayer for the relief sought.

9. The petition must be signed and acknowledged by the owner of the subject property, whether individual, corporate, partnership, firm or association. Signature and acknowledgment by an agent or agency is not permissible.

#### **6.4 REFERRAL TO PLANNING BOARD**

The City Council shall refer a copy of the petition to the Planning Board for its report: Upon return of said report and if the City Council orders the petition to be set down for a Public Hearing thereon, the City Clerk shall so advise the petitioner or his attorney, who shall thereupon:

1. Cause a notice of the time and place of the Public Hearing on the petition and the purposes thereof to be printed and published in the two official newspapers of the City of Yonkers as well as the appropriate newspaper of the said community as determined by the Council Member(s) of the affected districts at the expense of the developer at least twenty (20) days prior to the time of the hearing (see Exhibit "A" for form).
2. At least twenty (20) days prior to the Public Hearing, serve by registered or certified mail, upon every owner of land within a radius of 200 feet of the area of land affected by any proposed amendment, supplement, change or repeal and upon every owner of land directly opposite thereto extending 200 feet from the street frontage of such opposite land, a written notice of the time and place of such Public Hearing and the purposes thereof (see Exhibit "B" for form); and a protest form (see Exhibit "C" for form); and consent form (see Exhibit "D" for form); with the owner's name, address and description by lot and block number filled in. When the property involved fronts on any State Highway, Parkway or Thruway or any County Road or Parkway or State or County Park within the City of Yonkers, the City Clerk, as well as the Petitioner, must forward to the Westchester County Planning Board a written notice of said Public Hearing 20 days prior thereto.<sup>5</sup>
3. File with the City Clerk, not less than four (4) days prior to the public hearing, proof in the form of affidavits of:
  - a. Publication of the notice in the official newspapers, and related community publication as determined by the Council Member(s) of the affected districts at the expense of the developer.
  - b. Service of the written notice and protest forms, etc., upon the required owners of property

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<sup>5</sup> For the purpose of written notice, "owner of land within a radius of 200 feet" and "owner of land directly opposite" shall mean and include all the names and addresses listed for said land by the Department of Finance of the City of Yonkers in its address book of real properties entitled, "Official Address Book of Real Properties" as shown in said book, thirty (30) days prior to the date set for a Public Hearing on a petition for a change of zone, and for each name so listed without address the property or street address of the subject land shall be considered the mailing address to which said notices shall be forwarded.

When the City of Yonkers is among the owners of land within the 200 feet radius or if the owners of land directly opposite, said written notice shall be served upon the Director of Real Estate of the City of Yonkers.



## **6.5 PROTESTS**

Pursuant to Section 43-169 of the Yonkers Zoning Ordinance, protests against property, with the post office registry receipt or receipts annexed thereto. Proposed Change of Zone may be filed by the following classes of persons:

1. An owner of land within the area of land included in the proposed change or
2. An owner of land immediately adjacent, extending 200 feet from the land concerned, or
3. An owner of land directly opposite to the land concerned extending 200 feet from the street frontage of such opposite land.

**Note:** If the owners of 20 percent or more of the land in any of the above classes file proper protests, the change of zone requested shall not be passed, except by a majority vote of the City Council.

4. In any and all calculations of the percentage of protests, in the classes described in (a), (b), and (c), above, any and all public and private streets shall be excluded from the total area. (Local Law No. 9-1965)

## **6.6 Requirements for a Valid Protest**

1. Protest must be in writing and signed by the owner (not by an agent or attorney), and notarized.
2. It must be duly acknowledged.
3. It must state the name and address of the owner protesting and describe said owner's land by lot and block number as per the Official Tax Map of the City of Yonkers, and street number, if any, and by any other appropriate means which will permit identification of the size and location of such land with reference to the land upon which the zone change is sought.
4. It must state that the owner protests or objects to the requested change of zone and the grounds upon which the protest is made.
5. The protest must be filed with the City Clerk not less than four days prior to the Public Hearing on the petition.

## **6.7 CORRECTION OF PROTESTS**

At any time prior to the Public Hearing, a mistake, omission, or irregularity, or defect made in good faith in the protest, not pertaining to the manner or time of filing thereof, may be corrected or supplied.

## **6.8 RENEWAL OF APPLICATION**

Renewal of an application for a change of zone district subsequent to a denial and/or withdrawal of an application for a change of zone district. In the event a petition for an amendment, supplement, change or repeal of the regulations prescribed for any district or part thereof, by virtue of the provisions of the City of Yonkers Zoning Ordinance of 2000, as amended (General Ordinance No. 4-2000, as amended) is denied, or if the petition is withdrawn, for reasons other than a technical error, after the notice of hearing shall have been mailed, no further application may be made for such an amendment, supplement, change or repeal of regulations prescribed for said district or part thereof within a period of twenty-four (24) months except upon a three fourths (3/4) affirmative vote of the City Council (Local Law No. 16-1964).

## **6.9 CERTIFICATION BY THE CLERK RELATING TO ZONE CHANGES**

The City Clerk shall certify to the City Council that the owners of the land required to be served with written notice of a requested zone change and their address, as shown on the "Official Address Book of Real Properties" on file in the Department of Finance of the City of Yonkers, is as set forth in the affidavit of service thereof by the petitioner or his attorney, which is required to be filed with the City Clerk.

That the petitioner or his attorney shall be required to present to the Office of the City Clerk, at least ten (10) days prior to the date set for Public Hearing, the list of names and addresses of the real property owners who were served with the notice of such Public Hearing, together with the block and lot numbers of the properties owned by them.

## ***SECTION VII***

### ***PROCESS FOR AN HONORARY STREET RENAMING STUDY***

An honorary public street renaming request shall consist of the following steps:

7.1. An honorary public street renaming request shall be initiated in writing from one or more resident(s), business owners(s), or tenant(s) or by a home owners association or similar common ownership organization) within the city of Yonkers.

7.2. A family or group who wishes to have a portion of a street honorary renamed must communicate this with the City Council of Yonkers, directly to the Council Member of record in whose district the street – or part thereof – which is proposed to be renamed, is located. This request must be in writing, identifying which street is to be honorary renamed, who or what it is to be renamed for and why, including a biographical statement detailing what that person or group has done for the City of Yonkers to deserve this honor. A non refundable filing fee of one hundred (\$100.00) must accompany each request made payable to the Yonkers City Clerk.

7.3. The petition must meet the following criteria:

a)The person whose name is proposed for such honorary naming shall have resided in the City of Yonkers at least ten continuous or non-continuous years during his/her lifetime, during which time such person shall have preferably resided on the street in question.

b)Must have been a Yonkers resident for more than ten years.

c)Deceased for at least one year.

d) At least 50% of the number of residents and owners of real property (as shown on the City Assessor's records) adjoining the street or portion of street proposed for such honorary naming shall have signed such petition; and

7.4. Upon review and acquiescence of the District Council Member of the honorary street renaming request, a resolution will be submitted to the Rules Committee of the City by that Councilmember identifying the information as presented in subsection 1 of this Rule, i.e. the street which is to be honorary renamed, who or what it is to be renamed for and why, including a biographical statement detailing what that person or group has done for the City of Yonkers to deserve this honor.

7.5. The City Council will direct the City Clerk to publish a legal notice stating the date, time and place of the Public Hearing and a brief description of the street to be re-named. Following the Public Hearing, the Council will in its sole discretion, determine whether to allow the honorary renaming to proceed.

7.6. Upon approval by the City Council of Yonkers of the honorary street renaming request, the resolution will be provided to the Traffic engineering bureau of the City of Yonkers so that a blue honorary street sign can be developed and erected in the requested location. The Council Member or record can then arrange for an honorary street renaming ceremony, if desired.

7.7. Such honorary public street renaming shall expire within twenty-five years.

## ***SECTION VIII***

### ***MISCELLANEOUS***

#### **8.1 SUSPENSION OF THE RULES**

One or more of the Yonkers City Council Rules may be suspended, except as prohibited in these Rules, at any time, by four (4) votes of the City Council, and may be amended or supplemented by a Resolution adopted by a vote of a majority of the members of the City Council, provided that notice to amend or supplement the Rules, with the indicated amendments or additions, be filed with the City Clerk in accordance with the provisions of Rule IV on introduction of legislation.

## **8.2 POSTING AND DISTRIBUTION OF RULES**

These said Rules also shall be posted on the City website within 72 hours and remain on the website for the duration of the term of this Council. A copy of these Rules will be distributed the members of the City Council prior to the first Rules Committee meeting. Copies of these Rules shall also be available for distribution to the public at the Office of the City Clerk during regular business hours.

## **8.3 SEVERABILITY**

In the event that any one or more of these rules or any part thereof shall be held to be contrary to or invalid under the laws or Constitution of the United States or the laws or Constitution of the State of New York, Westchester County or the Charter of the City of Yonkers, such illegality or invalidity shall not effect in any way any of the other rules hereof, all of which shall continue, nevertheless, in full force and effective January 2, 2010

APPENDIX A

**2010 Rules/City Council Meeting Schedule**

**Rules Committee**

**City Council meeting**

January 5, 2010  
January 19, 2010

January 12, 2010  
January 26, 2010

February 2, 2010  
February 16, 2010

February 9, 2010  
February 23, 2010

March 2, 2010  
March 16, 2010

March 9, 2010  
March 23, 2010

April 6, 2010  
April 20, 2010

April 13, 2010  
April 27, 2010

May 4, 2010  
May 18, 2010

May 11, 2010  
May 25, 2010

June 1, 2010  
June 15, 2010

June 8, 2010  
June 22, 2010

September 7, 2010  
September 21, 2010

September 14, 2010  
September 28, 2010

October 5, 2010  
October 19, 2010

October 12, 2010  
October 26, 2010

**November 3, 2010 (WED.)**  
(ELECTION DAY - NOV. 2)  
November 16, 2010

November 9, 2010  
November 23, 2010

December 7, 2010

December 14, 2010

## **2011 Rules/City Council Meeting Schedule**

### **Rules Committee**

January 4, 2011  
January 18, 2011

February 1, 2011  
February 15, 2011

March 1, 2011  
March 16, 2011

April 5, 2011  
April 19, 2011

May 3, 2011  
May 17, 2011

June 7, 2011  
June 14, 2011

September 6, 2011  
September 20, 2011

October 4, 2011  
October 18, 2011

November 1, 2011  
November 15, 2011

December 6, 2011

### **City Council meeting**

January 11, 2011  
January 25, 2011

February 8, 2011  
February 22, 2011

March 9, 2011  
March 23, 2011

April 12, 2011  
April 26, 2011

May 10, 2011  
May 24, 2011

June 21, 2011  
June 28, 2011

September 13, 2011  
September 27, 2011

October 11, 2011  
October 25, 2011

November 9, 2011 **(WED.)**  
(ELECTION DAY)-NOV. 8  
November 22, 2011

December 13, 2011

